IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 27.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.220 of 2006

Kutti (a) Parasuraman ... Petitioner

Vs.

1.State of Tamil Nadu
rep.by its Secretary to Government,
Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Magistrate and
District Collector of Vellore district
Vellore 9. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records relating to petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 30.12.2005 on the file of the second respondent herein made in Proceedings C3.D.O.No.61/2005, quash the same as illegal and consequently direct the respondents herein to produce the `said petitioner namely Kutti (a) Parasuraman before this Hon'ble Court and set the petitioner at liberty from detention, now detained in Central Prison, Vellore.

For Petitioner : Mr.C.C.Chellappan
For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner by name Kutti @ Parasuraman, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 30.12.2005, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel appearing for the petitioner submitted that though the detaining authority has stated that the detenu was in remand in the ground case in Bagayam Police Station Crime No.565 of 2005, the copy of the remand order passed in the aforesaid ground case has not been furnished to the detenu. On this ground, the detention order is vitiated. It is also contended that based on his representation dated 30.01.2006, the first respondent assured the detenu that the copy of the remand order will be supplied to him. But the same has not been supplied. On this ground also detention order is liable to be interfered.

4. In the light of the above submission, we have verified the paper book supplied to the detenu as well as the reply of the Government dated 21.02.2006. The learned Additional Public Prosecutor fairly states that the copy of the remand order in Crime No.565 of 2005 has not been furnished to him. It is also stated that even after the direction of the Government in their letter dated 21.02.2006, the detenu was not supplied with the copy of the remand order. Inasmuch as the remand order was a relied upon document by the detaining authority and also taking note of the fact that inspite of the direction by the higher authority-Government, the same was not supplied to the detenu, we hold that the detention order is vitiated on both the grounds.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

raa

Sd/
Asst.Registrar

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/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The District Magistrate and District Collector of Vellore District.
Vellore.

3. The Superintendent, Central Prison, Vellore.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.C. C. Chellappan, Advocate SR No.27487

HCP. No.220 of 2006

TEJ(CO)
SR/4.7.2006

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